

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
CHRISTOPHER NAPOLI, et al.,
Defendants.

No. C10-00642 CRB

**ORDER DENYING SUMMARY
JUDGMENT ON CHRISTINE NAPOLI'S
MOTION FOR RETURN OF PROPERTY**

Petitioner Christine Napoli has moved for summary judgment on her claim for the return of \$61,796.82 in assets seized from a Sovereign Bank account to satisfy a judgment entered against her husband, Christopher Napoli. See Motion (dkt. 1452). After review of the parties' submissions and the relevant authorities, the Court concludes that triable issues exist on the issue of ownership of the account and DENIES the motion.

The Court ORDERS that the parties appear for a case management conference on September 23, 2016, at 10:00 AM, to discuss whether an evidentiary hearing on this matter is required. The Court also anticipates that further briefing is necessary on the issues of (1) the ownership of the Sovereign Bank account, including who had signatory, deposit, and withdrawal powers, (2) whether the account is a tenancy by the entireties under Pennsylvania law, given that the authorities cited by the government thus far appear to erroneously rely on a standard that is only applicable in divorce proceedings, and (3) how the ownership status of the account under Pennsylvania law affects these federal criminal forfeiture proceedings.

1 The parties should appear at the September 23, 2016 case management conference
2 prepared to discuss these issues and the issue of the scope and necessity for further
3 evidentiary hearings.

4 **IT IS SO ORDERED.**

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6 Dated: September 1, 2016

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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE